

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Senate Bill 248 be amended to read as follows:

- 1 Page 4, after line 37, begin a new paragraph and insert:
- 2 "SECTION 2. IC 35-50-2-14, AS ADDED BY P.L.214-1999,
- 3 SECTION 4, IS AMENDED TO READ AS FOLLOWS: Sec. 14. (a)
- 4 The state may seek to have a person sentenced as a repeat sexual
- 5 offender for a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or
- 6 IC 35-46-1-3 by alleging, on a page separate from the rest of the
- 7 charging instrument, that the person has accumulated one (1) prior
- 8 unrelated felony conviction for a sex offense under IC 35-42-4-1
- 9 through IC 35-42-4-9 or IC 35-46-1-3.
- 10 (b) After a person has been convicted and sentenced for a felony
- 11 committed after sentencing for a prior unrelated felony conviction
- 12 under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, the person
- 13 has accumulated one (1) prior unrelated felony conviction. However,
- 14 a conviction does not count for purposes of this subsection, if:
- 15 (1) it has been set aside; or
- 16 (2) it is one for which the person has been pardoned.
- 17 (c) The court alone shall conduct the sentencing hearing under
- 18 IC 35-38-1-3.
- 19 (d) A person is a repeat sexual offender if the court finds that the
- 20 state has proved beyond a reasonable doubt that the person had
- 21 accumulated one (1) prior unrelated felony conviction under
- 22 IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3.
- 23 (e) The court may sentence a person found to be a repeat sexual
- 24 offender to an additional fixed term that is the presumptive sentence for
- 25 the underlying offense. However, the additional sentence may not
- 26 exceed ten (10) years.
- 27 **(f) The state may seek to have a person sentenced to life**

1 imprisonment without parole for a child molest offense under IC  
2 35-42-4-3 as a Class A or Class B felony by alleging, on a page  
3 separate from the rest of the charging instrument, that the person  
4 has accumulated one (1) prior unrelated felony conviction for a  
5 child molest offense under IC 35-42-4-3 as a Class A or Class B  
6 felony.

7 (g) After a person has been convicted and sentenced for a  
8 Class A or Class B felony committed after sentencing for a prior  
9 unrelated felony conviction under IC 35-42-4-3 as a Class A or  
10 Class B, the person has accumulated one (1) prior unrelated felony  
11 conviction for a child molest offense under IC 35-42-4-3.

12 (h) If the person was convicted of the child molest offense  
13 under IC 35-43-4-3 as Class A or Class B felony in a jury trial, the  
14 jury shall reconvene to hear evidence on the life imprisonment  
15 without parole allegation. If the person was convicted of the child  
16 molest offense under IC 35-43-4-3 as Class A or Class B felony by  
17 trial to the court without a jury or if the judgment was entered to  
18 guilty plea, the court alone shall hear evidence on the life  
19 imprisonment without parole allegation.

20 (i) A person is subject to life imprisonment without parole if  
21 the jury (in a case tried by a jury) or the court (in a case tried by  
22 the court or on a judgment entered on a guilty plea) finds that the  
23 state has proved beyond a reasonable doubt that the person has  
24 accumulated one (1) prior unrelated conviction for child molest  
25 under IC 35-42-4-3 as a Class A or Class B felony.

26 (j) The court may sentence a person found to be subject to life  
27 imprisonment without parole under this section to life  
28 imprisonment without parole."

29 Renumber all SECTIONS consecutively.

(Reference is to SB 248 as printed March 30, 2001.)

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Representative ATTERHOLT